



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,589	03/30/2001	James T. Dollins	GP-300750	5685

70465 7590 12/10/2009
CICHOSZ & CICHOSZ, PLLC
129 E. COMMERCE
MILFORD, MI 48381

EXAMINER

UTAMA, ROBERT J

ART UNIT	PAPER NUMBER
----------	--------------

3715

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

12/10/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mcichosz@cichoszlaw.com
vcichosz@cichoszlaw.com

Office Action Summary	Application No. 09/820,589	Applicant(s) DOLLINS ET AL.	
	Examiner ROBERT J. UTAMA	Art Unit 3715	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3715

DETAILED ACTION

Status of application

1. This office action is a result of the amendment and arguments filed on 08/27/2009.

The current status of the claims in the application is as follow: claims 1-3 are still pending. No claim has been cancelled or withdrawn.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-3 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 1-3 set forth a limitation of an integrated tool and application system that can be interpreted as computer software, graphical user interface that are not embodied in a computer readable medium. Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held non-statutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized.

Claim Objections

4. Claims 1-3 are objected to because of the following informalities: Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation (37 CFR 1.75(i)). Appropriate correction is required.

Art Unit: 3715

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Bertrand 6,023,691.**

Claim 1: The Bertrand reference provides a teaching of a computer based system that includes a workstation and software providing (see col. 5:10-20 and col. 5:22-28) an integrated tool that integrates a business process and related training from which the business process is supported and task are completed (see 37-30-50) including a model of the business process wherein the business process includes stages defined by a series of roles and task linked to an application system being used to carry out the business process (see col. 38:15-50) and defined by an interface, content and scenario wherein the business process defines the progression of information by the series of roles and tasks (col. 38:25-50 “Journal Entries”, “close the book”); wherein the series of roles and tasks linked to the application system being used to carry out the business process is supported by guidance from the integrated tool wherein selected portions of the integrated tool are accessed during use of the application system to carry out the business process (see col. 42:35-50) wherein steps of the business process are identified and defined in the model and wherein a scenario provides instruction through the content which defines the roles and demonstrates the actions necessary to complete the tasks linked to the application system being used to carry out the business process through at least one of graphical, audio or textual materials via the graphical user interface (see col. 41:30-45) to the workstation while the business process is being carried out (see col. 22:45-65).

Art Unit: 3715

Claim 2: The Bertrand reference provides a teaching of computer based system that includes a workstation and software providing (see col. 5:10-20 and col. 5:22-28) an integrated tool that integrates a business process and related training from which the business process is supported and task are completed (see 37:30-50) including a model of the business process wherein the business process includes stages defined by a series of roles and tasks linked to an application system being used to carry out the business process (see col. 38:15-50) and defined by an interface, content and scenarios wherein the business process defines the progression of information by the series of roles and tasks linked to an application system being used to carry out the business process (col. 38:25-50 “Journal Entries”, “close the book”); wherein the series of roles and tasks linked to the application system being used to carry out the business process is supported by guidance from the integrated tool wherein selected portions of the integrated tool are accessed during use of the application system to carry out the business process wherein steps of the business process are identified and defined in the model and wherein a scenario related to a process function provides instruction through the content which defines the roles and demonstrates the actions necessary to complete the process function tasks linked to the application system being used to carry out the business process through at least one of graphical, audio or textual materials via the graphical user interface (see col. 41:30-45) to the workstation while the business process is being carried out (see col. 22:45-65). the scenario including a task scenario and an action scenario wherein the action scenario includes a cross functional scenario from the process function to a supplementary function, the supplementary function supporting the process function and being outside the process function tasks (see col, 75:40-65).

Claim 3: The Bertrand reference provides a teaching of computer based system that includes a workstation and software providing (see col. 5:10-20 and col. 5:22-28) an integrated tool that integrates a business process and related training from which the business process is supported and task are completed (see 37:30-50) including a model of the business process

Art Unit: 3715

wherein the business process includes stages defined by a series of roles and tasks linked to an application system being used to carry out the business process (see col. 38:15-50) wherein the series of roles and tasks linked to the application system being used to carry out business process is supported by guidance from the integrated tools to guide a learner through a task linked to the application system being used to carry out a business process to achieve a result required by the business process (col. 38:25-50 “Journal Entries”, “close the book”); wherein selection portions of the integrated tools are accessed during the application system to carry out the business process wherein steps of the business process are identified and defined in the models which provides the options of selection process function categories (see also col. 37:5-25) or related supplementary function categories wherein the process function categories each include a series of stages, the stage's role and task are linked to the application system being used to carry out the business processes defined by the business process and explained by the application system, a task scenario including an action scenario demonstrates action type required by the business process, the action scenario providing guidance through graphical, audio and textual mean (see col. 152:30-50) via the graphical user interface (see col. 41:30-45) to the workstation while the business process is being carried out (see col. 22:45-65).

Response to Arguments

5. With respect to rejection on claims 1-3 under 35 U.S.C 101, the examiner would like to point out that the amendment of “software, graphical user interface” are not tied to any computer readable medium. Software and data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held non-statutory).
6. Applicant's argument are sufficient to overcome the rejection under 35 U.S.C 112, first and second paragraph.

Art Unit: 3715

7. With respect to applicant's argument that the Bertrand reference does not provide a teaching of action scenario providing guidance during the business process. However, the Bertrand reference provides a teaching where feedback are generated in the middle of the business process (see col. 22:45-65 and col. 28:45-55).

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT J. UTAMA whose telephone number is (571)272-1676. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571)272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3715

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. J. U./
Examiner, Art Unit 3715

/XUAN M. THAI/
Supervisory Patent Examiner, Art Unit 3715